



# FOREIGN AFFAIRS MANUAL

## VOLUME 9 – Visas

**Transmittal Letter:** VISA-175

**Date:** January 15, 1998

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## SECTIONS 40, 41, 42 AND APPENDICES

### MAJOR CHANGES

1. 40.32 Procedural Notes: Minor changes have been made in PN1 and PN2. PN3 has been dramatically reduced, resulting in the addition of PN3.1 and PN3.2. PN3.1 explains the preparation of VISA VIPER telegrams while PN3.2 pertains to Dual Purpose Reporting.
2. 40.63 Notes: Various changes were made throughout the section.
3. 40.203 Notes: Section 40.103 Notes has been redesignated as 40.203 Notes.
4. 40.204 Regs/Statutes: The information in this section has been deleted and the section is now "Unassigned".
5. 40.207 Regs/Statutes: New Related Statutory Provisions have been added.
6. 40.208 Regs/Statutes: New Related Statutory Provisions have been added.
7. 41.2 Exhibit VI: Slovenia has been added to the list of countries that currently participate in the Visa Waiver Pilot Program.
8. 41.21 Notes: In N5.2 the last sentence of subsection (b) and all of subsection (c) have been deleted; a new subsection has been added. N6.3 has been deleted in its entirety; N6.4 has been renumbered as N6.3; and N6.5 has been renumbered as N6.4,
9. 41.24 Exhibit II: An up-to-date list of all U.N. Peacekeeping Operations and Observer Missions.
10. 41.59 Exhibit II: Chapter 16 of the North American Free Trade Agreement has been added. [58FR 69205, December 30, 1993]
11. 41.107 Related Statutes: INA 281 was amended by Pub. L. 105-54 (enacted Oct. 6, 1997) to allow the Secretary of State to waive or reduce

the nonimmigrant visa fees for certain aliens coming to the United States for charitable purposes.

12. 41.112 Notes and Procedural Notes: N2.2 has been amended to reflect the provisions of section 631 of Pub. L. 104-208 (enacted Sept. 30, 1996). This provision accords permanent residents and aliens granted refugee status the same treatment as nationals of a foreign country, provided the country provides similar treatment to permanent residents and refugees in the United States. N2.9 has been added to reflect the provisions of section 632(a) of Pub. L. 104-208. The provision makes void the visa of an alien who was admitted and remained beyond the period authorized by the INS.

PN2 was amended to reflect the provisions of INA 212(d)(8).

13. 42.32(d)(1) Related Statutes: INA 101(a)(27)(C) was amended by Pub. L. 105054 to extend the special immigrant religious worker program through September 30, 2000.
14. 42.32(d)(6) Regs/Statutes: The Related Statutory Provisions have been amended.
15. 42.33 Regulations: Sec. 636 of Pub. L. 104-208 provided for the collection of a fee for aliens in the Diversity Visa Program. A new regulation 42.33(i) was added providing for this fee collection. [61 FR 1523, Jan. 22, 1996]
16. 42.33 Notes and Procedural Notes: These notes and procedural notes have been updated to provide additional instruction for processing Diversity Visa applicants.
17. 42.33 Exhibit I: The countries and areas currently qualifying under the DV program.
18. 42.61 Notes: These have been revised to define "homeless" cases and provide guidance on processing nonimmigrant visa cases for homeless applicants.
19. Appendix I Exhibit VIII: Amended codes for Hong Kong are reversed.
20. Appendix N Section 400: N402 has been completely rewritten. Also, minor changes have been made throughout Section 400.
21. Appendix O Section 1700: Section 1701.2 has been amended to reflect the change in INS policy on "following-to-join" criteria for refugees. To claim relationship as a spouse or child, the relationship must have existed at the time the principal alien was admitted to the United States.

22. Revisions since the last update appear in italics. The italics will be removed the next time the section is updated. Only the current changes will appear in italics. Italics provide the historical record of changes.
23. Officers are reminded that Department-issued materials not codified in the *Foreign Affairs Manual* or its supplemental *Foreign Affairs Handbook* series generally have no regulatory validity [see 2 FAM 1115.2].

## FILING INSTRUCTIONS

1. Remove 40.32 Procedural Notes (TL:VISA-103; 12-19-94 – 1 page) and insert the revised identically numbered section.
2. Remove 40.63 Notes (TL:VISA-147; 7-9-96 – 18 pages) and insert the revised identically numbered section.
3. Remove 40.103 Notes (TL:VISA-162; 2-24-97 – 2 pages) and insert the newly redesignated section 40.203 Notes in the appropriate place.
4. Remove 40.204 Regs/Statutes (TL:VISA-110; 5-19-95 – 2 pages) and insert the Unassigned Section.
5. Insert the new Sections 40.207 and 208 Regs/Statutes in their appropriate place.
6. Remove 41.2 Exhibit VI (TL:VISA-164; 4-25-97 – 1 page) and insert the revised identically numbered exhibit.
7. Remove 41.24 Exhibit II (TL:VISA-6; 11-23-87 – 1 page) and insert the revised identically numbered exhibit.
8. Remove 41.21 Notes (TL:VISA-47; 8-30-91 – 4 pages) and insert the revised identically numbered section.
9. Insert the new 41.59 Exhibit II after 41.59 Regs/Statutes.
10. Remove 41.107 Regs/Statutes (TL:VISA-168; 08-08-1997 – 3 pages) and insert the revised identically numbered section.
11. Remove 41.112 Notes (TL:VISA-162; 2-24-97 – 8 pages) and insert the revised identically numbered section.
12. Remove 41.112 Procedural Notes (TL:VISA-2; 8-30-87 – 1 page) and insert the revised identically numbered section.
13. Remove 42.32(d)(1) Regs/Statutes (TL:VISA-122; 9-5-95 – 1 page) and insert the revised identically numbered section.

14. Remove 42.32(d)(6) Regs/Statutes (TL:VISA-117; 6-21-95 – 1 page) and insert the revised identically numbered section.
15. Remove 42.33 Regs/Statutes (TL:VISA-159; 12-20-96 – 9 pages) and insert the revised identically numbered section.
16. Remove 42.33 Notes (TL:VISA-93; 10-20-94 – 4 pages) and insert the revised identically numbered section.
17. Remove 42.33 Procedural Notes (TL:VISA-97; 10-20-94 – 1 page) and insert the revised identically numbered section.
18. Remove 42.33 Exhibit I and insert the revised identically numbered exhibit.
19. Remove 42.61 Notes (TL:VISA-83; 8-13-93 – 3 pages) and insert the revised identically numbered section.
20. Remove Appendix I, Exhibit VIII (TL:VISA-173; 11-10-1997 – 5 pages) and insert the revised identically numbered exhibit.
21. Remove Appendix N, Section 400 (TL:VISA-152; 9-9-96 – 2 pages) and insert the revised identically numbered section.
22. Remove Appendix O Section 1700 (TL:VISA-142; 4-22-96 – 3 pages) and insert the revised identically numbered section.
23. After inserting the material in the binder, insert this transmittal letter immediately following the TL Checklist, fill in the entry line for TL:VISA-175, and initial.

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**(CAVO/LR)**